IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

(1) CRIMINAL WRIT PETITION NO.749 OF 2005

WITH

(2) CRIMINAL WRIT PETITION NO.750 OF 2005

WITH

(3) CRIMINAL WRIT PETITION NO.751 OF 2005

WITH

(4) CRIMINAL WRIT PETITION NO.752 OF 2005

Anita Arun Lahoty ..Petitioner

Vs.

Krishna Lifestyle Technologies Ltd. and Ors. ..Respondents

...

Mr.U.L.Shah for Petitioner
Mr.A.V.Sharma i/b Mr.A.A.Rao for Respondent No.1
Mr.D.P.Adsule A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 22,2005

P.C.:

1. Heard the learned advocate for the petitioner, learned advocate for Respondent no.1 and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Metropolitan Magistrate, 7th Court, Bhoiwada, Dadar, Mumbai in C.C.No.13/S/2003, 14/S/2003, 15/S/2003 and 16/S/2003. The said cases are mainly under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. Stay to the proceedings before the lower Court is granted for a period of five weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. The petitioner has also prayed that non-bailable warrants which were issued by the trial Court against the petitioner in Cri.W.P.No. 749 of 2005 and 750 of 2005 be set aside. The said non-bailable warrants were issued by the trial Court in C.C.No. 13/S/2003 and CC No.14/S/2003. It is stated that the petitioner is a lady and at that time the petitioner was residing at Rajasthan and she has two minor children and it is under these circumstances that she could not remain present before the trial court on the relevant dates. Looking to these facts, I am inclined to

set aside the non-bailable warrants which have been issued against the petitioner in Cri.W.P.No. 749 of 2005 and 750 of 2005. However, it is made clear that if the proceedings against the petitioner continue and thereafter the petitioner remains absent before the trial court, the learned Magistrate shall pass such orders as deemed fit in accordance with law.

6. All the four writ petitions are disposed of.

[V.K.TAHILRAMANI,J.]